

# SENATE MOTION

MR. PRESIDENT:

**I move** that Engrossed House Bill 1297 be amended to read as follows:

1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:

3       "SECTION 1. IC 25-1-7-9 IS AMENDED TO READ AS  
4       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. A board member  
5       ~~shall disqualify himself~~ **is disqualified** from any consideration of the  
6       case if ~~he~~ **the board member** filed the complaint or if ~~he~~ participated  
7       in negotiations regarding the complaint. ~~He~~ **The board member** is not  
8       disqualified from the board's final determination solely because ~~he~~ **the**  
9       **board member** was the hearing officer **or determined the complaint**  
10      **and the information pertaining to the complaint was current**  
11      **significant investigative information (as defined by IC 25-23.2-1-5).**

12      SECTION 2. IC 25-1-7-10 IS AMENDED TO READ AS  
13      FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) All complaints  
14      and information pertaining to the complaints shall be held in strict  
15      confidence until the attorney general files notice with the board of ~~his~~  
16      **the attorney general's** intent to prosecute the licensee. ~~Unless~~  
17      ~~required to do so under law or in furtherance of an investigation, no~~

18      (b) A person in the employ of the office of attorney general or any  
19      of the boards, ~~nor~~ **or** any person not a party to the complaint, ~~shall~~ **may**  
20      **not** disclose or further a disclosure of information concerning the  
21      complaint **unless the disclosure is required:**

22      (1) **under law; or**

23      (2) **for the advancement of an investigation.**

24      (c) **Notwithstanding subsections (a) and (b), under IC 25-23.2**  
25      **the state board of nursing may disclose to the coordinated licensure**  
26      **information system (as defined by IC 25-23.2-1-4) complaints and**  
27      **information concerning complaints that the board determines to be**  
28      **current significant investigative information (as defined by**  
29      **IC 25-23.2-1-5). "**

30      Renumber all SECTIONS consecutively.

(Reference is to EHB 1297 as printed February 22, 2002.)

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Senator MILLER